

Department of the Interior
U.S. Fish & Wildlife Service
Pacific Islands Office
300 Ala Moana Blvd.
Honolulu, HI 96813
<http://pacific.fws.gov>

News Release



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Contact: Barbara Maxfield, (808) 792-9531 or 349-1409

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Hawaiian Plant Critical Habitat Designated on Big Island

Action Fulfills Requirements of Plant Critical Habitat Lawsuit in Hawaii

The last of seven critical habitat rules for 255 threatened and endangered plant species in the Hawaiian islands was published by the U.S. Fish and Wildlife Service today, completing a 5-year effort to comply with a federal court ruling. Today's rule establishes critical habitat for 41 plants on 208,063 acres of the Big Island.

"I want to compliment all those who have been involved in this major endeavor, especially the many people in Hawaii, from state employees to hunters, private landowners to botanists, environmentalists to the military, who have been willing to work with us to develop these critical habitat rules," said Paul Henson, field supervisor for the Fish and Wildlife Service's Pacific islands fish and wildlife office. "Because of their involvement, we believe we have a far better set of designations."

As on the other islands, the acreage designated as critical habitat on the island of Hawaii is significantly less than was identified in the proposed rule. After taking into account new information and public comments on the May 2002 proposed rule, the Service reduced the acreage by approximately 52 percent.

Some of the changes were made for biological reasons. In some cases, field visits or public comments revealed that the habitat elements needed by the plant did not exist at the site, or that the areas are not essential for the conservation of the species. Thirty-one of the species are or were historically found on other Hawaiian islands and, in some cases, a species' conservation needs can be better met on other islands rather than on the Big Island, Henson explained.

Approximately 47,540 acres of U.S. Army lands in the Pohakuloa Training Area were eliminated in the final rule because the Service believes they are already being adequately managed for the conservation of the listed species and because the benefits to national security of excluding the lands outweigh the benefits of including the lands within critical habitat.

The Army has completed an Integrated Natural Resources Management Plan (INRMP) and an Ecosystem Management Plan for the training area. These plans include management activities that benefit the 10 listed plant species presently or historically found on lands under its jurisdiction, and the Army has promised to amend its INRMP to include three additional listed species found on lands the Army is in the process of acquiring. In

addition, the Army has agreed to coordinate with the Service on any actions that may affect essential habitat areas for these species, even though they are not designated as critical habitat.

“We are very much involved in working with the Army as it plans for its eventual transformation into a Stryker combat brigade,” Henson said. “Based on the Army’s past performance, we believe these lands will continue to be managed to protect, conserve, and enhance threatened and endangered species.”

A total of 13,915 acres of proposed critical habitat owned by two private landowners – Kamehameha Schools and Queen Liliuokalani Trust – were excluded from the final rule based on their ongoing and future voluntary conservation activities. Both entities indicated such voluntary endeavors that benefit multiple species may not be continued if critical habitat were designated on their properties. The Service believes the net benefits of excluding these lands from critical habitat outweigh those that would have been achieved by including the parcels.

“Queen Liliuokalani Trust has volunteered to propagate and reintroduce the two plant species for which critical habitat was proposed on its lands, as well as incorporate the species into its cultural and educational programs,” said Henson. “We believe working cooperatively together we can do far more to recover the species. Regulations don’t accomplish nearly as much.”

An additional 833 acres of state and private lands slated for development as affordable housing and a town center in the Kailua-Kona area were excluded. According to the Service, the possible economic and social costs associated with including these lands within critical habitat outweigh the benefits of doing so.

An addendum to the draft economic analysis indicates that revisions to the proposed critical habitat boundaries due to new information decreased the quantifiable costs related to consultation under section 7 of the ESA to \$46.6 million to \$62.7 million over a period of 10 years. Since Army lands and units in the Kailua-Kona area have now been eliminated in the final rule, direct quantifiable costs are likely to be in the range of \$6 million to \$7.5 million over the 10 year period.

Of the total acreage designated as critical habitat, 55 percent is owned by State or local agencies, 8 percent by private landowners, and 37 percent by the federal government within Hawaii Volcanoes National Park and Hakalau Forest National Wildlife Refuge.

Critical habitat is a term in the Endangered Species Act identifying geographic areas that are essential for the conservation of a threatened or endangered species and may require special management considerations. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands.

This critical habitat designation was completed in response to a lawsuit filed by Earthjustice on behalf of the Conservation Council for Hawaii, the Sierra Club, and the Hawaiian Botanical Society. In 1998, the U. S. District Court for the District of Hawaii ordered the Fish and Wildlife Service to review its prudency determinations and to publish critical habitat designations or nondesignations for 245 plant species. Under a subsequent agreement, ten additional plant species from Maui County were added to the total.

In 30 years of implementing the Endangered Species Act, the Service has found that the designation of

critical habitat provides little additional protection to most listed species, while preventing the Service from using scarce conservation resources for activities with greater conservation benefits.

In almost all cases, recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat. Habitat is also protected through cooperative measures under the Endangered Species Act including habitat conservation plans, safe harbor agreements, candidate conservation agreements, and state programs. In addition, voluntary partnership programs such as the Service's private stewardship grants and partners for fish and wildlife program also restore habitat. Habitat for endangered species is provided on many national wildlife refuges managed by the Fish and Wildlife Service and on state lands administered by the Department of Land and Natural Resources.

The final critical habitat rule was published in today's *Federal Register* and becomes effective in 30 days. The final rule and other information about the designation are also available at the Fish and Wildlife Service's Web site at <http://pacificislands.fws.gov>. Copies of the rule may be obtained by calling the Service's Honolulu office at 808/541 3441.

The U.S. Fish and Wildlife Service is the principal federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System, which encompasses 542 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resource offices and 81 ecological services field stations. The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.